

No. 9/5/84-6 Lab./3797.—In pursuance of the provisions of section 17 of the Industrial Disputes Act 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Joy-B Industries, Plot No. 162, Sector 24, Faridabad :—

BEFORE SHRI R.N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 443/1982.

between

SHRI RAM RAJ, WORKMAN AND THE MANAGEMENT OF M/S JOY-B INDUSTRIES, PLOT NO.
162, SECTOR 24, FARIDABAD

Present.—

Shri R.L. Sharma, for the workman.
Shri R.C. Sharma, for the management.

AWARD

In exercise of powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Shri Ram Raj, workman and the management of M/s Joy-B Industries, Plot No. 162, Sector 24, Faridabad to this Tribunal for adjudication:—

Whether the termination of service of Shri Ram Raj was justified and in order ? If not, to what relief is he entitled ?

2. Notices were issued to both the parties. The claimant in his claim statement, dated 13th March, 1983, alleged that he was engaged in the respondent factory in 1981 as helper on regular basis and during the course of employment, he suffered an injury on his left foot due to which he was on sick leave with effect from 20th May, 1982 and remained under treatment in E.S.I. Dispensary, Ballabgarh. It was then alleged that medical fitness certificate was obtained by him and he reported for duty on 19th August, 1982 but he was refused to join duty and that the termination of services was illegal and against the principles of natural justice. It was, therefore, prayed that the claimant be reinstated with full back wages.

3. The management in their written statement, dated 9th February, 1983 pleaded that the claimant was employed as a casual workman on 14th May, 1982 and he met with an accident on the same day when he was working carelessly and was given treatment under E.S.I. Dispensary and he became fit for duty on 19th August, 1982 when he was taken back on duty on that day and thereafter his services were terminated on 20th August, 1982. It was then alleged that due to shortage of work, the management terminated the service of all the casual workers and also effected mass retrenchment of 55 workers on 13th August, 1982 and that no post existed for the claimant. It was further pleaded that the termination of service of the claimant was legal and justified.

4. The claimant in his rejoinder dated 9th February, 1983 reiterated the pleas taken in the claim statement.

5. On the pleadings of the parties the following issue was framed on 25th March, 1983 :—

Whether the termination of service of Shri Ram Raj was justified and in order ? If not, to what relief is he entitled ? OPM.

6. It may be mentioned that the management has examined one witness and document Ex. M-1 has been tendered into evidence. The claimant has himself appeared in the witness box and document Ex. W-1 has been tendered into evidence. After going through the evidence both oral and documentary and hearing the representatives of both the parties, my finding on the above issue is as under :—

7. Issue No. 1.—The management has examined MW-1 Shri Subhash Sood, Manager of the respondent factory who deposed that the claimant joined service on 14th May, 1982 and his name appeared in the attendance register meant for casual workers and that the claimant suffered an injury on his heel due to a nail on that very date, when he proceeded on leave and his case was referred to E.S.I. Corporation. He further stated that he came back on 20th May, 1981 but was not in a position to perform duty and he again proceeded on E.S.I. leave. He then stated that all the casual workers were retrenched on 1st August, 1982 and 55 regular workers, whose list was Ex. M-1, were retrenched on 13th August, 1982. He also stated that the claimant joined service on 19th August, 1982 alongwith fitness certificate and his services were terminated on the next day. He then stated that if the claimant were not on E.S.I. leave he would have been retrenched on 1st August, 1982.

8. Shri Ram Raj claimant has examined himself as WW-1 and stated that he worked in the respondent factory for 7 months and he received injury due to accident and thereafter when he went to the factory he was not permitted to join duty and that he submitted medical certificate Ex. W-1. He further stated that no job was given to him and he was unemployed.

9. A perusal of the above evidence would show that MW-1 Shri Subhash Sood Manager of the respondent factory has clearly deposed that the claimant was employed as casual worker on 14th May, 1982 and that the claimants suffered an injury on that very date while working in the factory, due to which he proceeded on E.S.I. leave and ultimately reported for duty on 19th August, 1982 alongwith medical fitness certificate and his services were terminated on 20th August, 1982. The testimony is also to the effect that casual workers were retrenched on 1st August, 1982, while 55 regular workers on 13th August, 1982. Since the claimant was on E.S.I. leave, therefore, his name was kept on the roll till 19th August, 1982 on which date he reported for duty and his services were terminated on 20th August, 1982, because there was no job for casual worker. The management has, therefore, led evidence to show that due to mass retrenchment, all the casual workers as well as 55 regular workmen were retrenched on 1st August, 1982 and 13th August, 1982 respectively and that if the claimant were not on E.S.I. leave he would have been discharged on 1st August, 1982. The oral testimony of WW-1 Shri Ram Raj does not help him because there is no evidence that he was employed prior to 14th May, 1982. MW-1 Shri Subhash Sood mentioned the date of appointment of the claimant on the basis of the attendance register. Consequently the claimant worked in the respondent factory from 14th May, 1982 to 19th August, 1982 during which period he remained on E.S.I. leave from 15th May, 1982 to 18th August, 1982. As such the claimant served with the respondent for less than three months. Since he had not actually worked for 240 days, therefore, he is not entitled to notice pay and compensation under the provisions of Section 25-F of the Industrial Disputes Act, 1947. It may be mentioned that the representative of the workman placed reliance on the provision of Section 73 of the Employee's State Insurance Act, 1948, in which it is laid down that no employer shall dismiss, or discharge an employee during the period of sickness. In the present case, the management did not terminate the service of the claimant when he remained on E.S.I. leave from 15th May, 1982 to 18th August, 1982 and his services were terminated on 20th August, 1982 because all the casual workmen were retrenched on 1st August, 1982 and 55 regular workmen on 13th August, 1982. The management has not violated the provisions of Section 73 of the E.S.I. Act, 1947 because they kept his name on the rolls during the period he remained on E.S.I. leave from 15th May, 1982 to 18th August, 1982 and he worked on 19th August, 1982, and his services were terminated on 20th August, 1982.

10. In view of the above discussion, the termination of service of the claimant was justified and in order and as such he is not entitled to any relief. The award is passed accordingly.

Dated the 1st May, 1985.

R. N. BATRA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 368, dated 1st May, 1985.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

R.N. BATRA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 23rd May, 1985

No. 9/5/84-6 Lab./3944.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. IV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s. Tirupati Udyog Ltd., 15 Miles Stone, Faridabad :—

IN THE COURT OF SHRI R.N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 373 of 1983

between

SHRI RAJDEV, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S. TIRUPATI
UDYOG LTD., 15 MILES STONE, FARIDABAD

Present.—

None, for the workman.

Shri Jagbir Singh Bhadana, for the respondent-management.

AWARD

This reference has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/150-83/55905-10, date 14th October, 1983, under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the Industrial dispute existing between Shri Rajdev, workman and the respondent management of M/s. Tirupati Udyog Ltd., 15 Miles, stone, Faridabad. The term of the reference was :—

Whether the termination of service of Shri Rajdev was justified and in order ? If not, to what relief is he entitled ?

According to the demand notice the workman proceeded on leave from 24th May, 1983 to 6th June, 1983 and he sent his medical certificate from 6th June, 1983 to 11th July, 1983 and when he returned with fitness certificate he was not allowed to join duty. Hence he raised demand notice.

The management has contested his claim. It is contended that the workman left the job of his own accord as he started absenting without any information. He was appointed on 1st July, 1980. He was habitual absentee. He had gone on leave for 15 days. He had to join duty on 6th June, 1983. He absented himself with effect from 27th June, 1983. He was sent a call letter to join duty within four days. This letter was duly acknowledged by him. He did not join duty on 6th June, 1983. Hence his name was struck off Retrenchment compensation was also sent to him on the same day alongwith the termination letter.

All these averments have been denied in the rejoinder. The parties contested the claim on the following issue :—

Whether the workman have left the job of his own accord as per reference ?

I have heard representative of the management and gone through the evidence on record. My finding on the issues is as under :—

Issue No. I and II :

The management has examined MW-1 Shri A.S. Pandey, Factory Manager of the respondent. He has supported the contention in the written statement. He has stated that the workman remained absent from 27th June, 1983. A registered letter was sent to him copy of which is Exhibit M-3, but he did not turn up to join duty. Hence his name was struck off,—vide Exhibit M-4. Retrenchment compensation was sent to him alongwith this letter. This letter was received back un-served. There is no rebuttal of this evidence of the management. In fact none appeared for the workman. Today was the last opportunity for the workman to adduce his evidence. I, therefore, find that the workman did not join his duties and absented himself. He had, therefore, left the job of his own accord. Even if his termination amounted to retrenchment, in that case also provisions of section 25-F were complied with as retrenchment compensation was sent to him along with termination letter. I, therefore, find that the workman has left his job of his own accord. Hence the termination is legal and justified. He is not entitled to any relief. Award is given accordingly.

Dated 1st April, 1985.

R.N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Endorsement No. 1183, dated 2nd May, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government Haryana, Labour and Employment Department, Chandigarh as required under Section 15 of the Industrial Dispute Act.

R.N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

No. 9/5/84-6 Lab./3945.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s. Rattan Chand-Harjas Rai Mouldings Pvt. Ltd., 54-Industrial Area, Faridabad :—

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD
Reference No. 145 of 1984

between

SHRI VED PARKASH, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S. RATTAN
CHAND-HARJAS RAI MOULDINGS, PTV., LTD., 54-INDUSTRIAL AREA, FARIDABAD

Present:—Shri Amar Singh Sharma for the workman.
Shri M. P. Gupta for the respondent.

AWARD

This reference has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/162-83/25850—55, dated 24th July, 1984 under Section 10 (i)(c) of the Industrial Disputes Act, 1947 for adjudication of the industrial dispute existing between Shri Ved Parkash, workman and the respondent-management of M/s. Rattan-Chand, Harjas Rai Mouldings Pvt. Ltd., 54-Industrial Area, Faridabad. The term of the reference was:—

Whether termination of service of Shri Ved Parkash was justified and in order ? If not, to what relief is he entitled?

According to the claim statement, the workman was appointed on 28th May, 1981. A fabricated charge-sheet was issued to him on 28th January, 1983. A domestic enquiry was conducted. The enquiry was not fair and proper. The representative of the workman was not allowed to participate in the enquiry. The workman was not given opportunity to cross-examine the witnesses. The copies of the enquiry report were not furnished to the workman. Findings of the enquiry officer were not given to him. He was not given second show-cause notice. Hence the dismissal order, dated 6th March, 1983 is alleged to be illegal. It is alleged that it was not signed by the competent person. He has been victimised because he has filed a claim before the Authority under the Minimum Wages, Act.

This claim statement is contested by the management. Objection is taken that this reference under Section 2-A is incompetent. It is alleged that he committed serious act of misconduct. Hence charge-sheet was issued to him on 28th January, 1983. Hence domestic enquiry was started. He appeared on 9th February, 1983 and 16th February, 1983. On 20th February, 1983, he refused to sign the proceedings unless Shri Amar Singh Sharma an outsider was allowed to represent him. He was again given chance on 25th February, 1983, but the workman absented. The charges were proved against him. Hence show-cause notice was issued to him. The workman did not reply. Hence his services were terminated on 6th March, 1983.

The rejoinder has been filed denying the averments of the management. The reference was contested on the following issues:—

1. Whether the domestic enquiry is fair and proper ?
2. Whether the dispute does not fall within the purview of Section 2-A of the I.D. Act.
3. As per reference ?

I have heard the representatives of both the parties and gone through the evidence on record. My findings on the above issues seriatim is as under:—

Issue No. 1 :

The management has examined MW-1 Shri B.R. Grover who was enquiry officer. His enquiry report is Ex. M-4. He has stated that the workman had appeared in the enquiry proceedings but on 25th February, 1983 he did not appear. He was informed by telegram Ex.M-13. It's postal receipt is Ex. M-14. Thereafter the workman was proceeded *ex parte*. MW-2 is Shri Suresh Kumar Jain, Works Manager, who has dismissed the workman. As against this evidence, the workman has appeared as WW-1. This statement clearly proves that the domestic enquiry was fair and proper. The workman appeared on first two dates. But he did not appear on the last date as he was not allowed to be represented by Shri Amar Singh Sharma, who was not a co-worker. Reliance is placed on the judgement of Hon'ble Supreme Court in Board of Trustee Vs. Dalip Singh 1983—(i) LLJ, page 1. In this case the rules did not inhibit the employee to be defended by legal practitioner. The request of the delinquent employee, to be represented by a legal practitioner was dis-allowed whereas the management was represented by a fully trained person. It was held that it violated the principles of natural justice. In the present case the standing orders Ex. M-2 were applicable. This did not prohibit the workman for taking with him any legal practitioner, but Shri Amar Singh Sharma was not legal practitioner. Hence his request to be represented by Shri Amar Singh Sharma was validly rejected. The workman did not appear on the next date. Hence *ex parte* proceedings were ordered. The next contention is that he was not paid suspension allowance during the enquiry proceedings. Hence it vitiates the enquiry. No such ruling has been given by the workman. Hence the enquiry cannot be quashed on this ground. Hence the judgement in Ghanshayam Dass Shrivastava versus State of Madhya Pradesh 1973-I-LLJ-page 414 does not apply. The representative of the workman has relied upon the judgement of Hon'ble Supreme Court in Hindustan Brown Boveri Ltd. versus Their Workmen and another 1968-ILLJ-page 571 in which it is held that in the standing orders dismissal power was given to the company. It was held that Works Manager has no power to dismiss the workman. In this case the appointment letter was issued by the Works Manager. Power to appoint implies and carries with it power to dismiss. It has been so held by the Hon'ble Supreme Court in Heckett Engg. Co. versus workman 1978-LLJ-I-page 23.

In view of the above discussions, I find that the enquiry was fair and proper.

Issue No. 2 :

This issue is neither pressed nor argued. Hence this issue is decided against the management.

Issue No. 3:

It is contended that the enquiry was fair and proper. The chargesheet contained X acts of serious misconduct, punishment imposed cannot be interfered with by the Tribunal except in cases where the punishment is harsh as to suggest victimization. Reliance has been placed on the judgement of Hon'ble Supreme Court, 1973 11 J.L. 280. In the present case the charges against the workman were contained in the chargesheet Ex. M-2. All charges are of the same date 28th January, 1983. First charge is that he joined duty at 4.45 p.m. instead of 2.0 p.m. In reply to the Supervisor Mr. Hajela, the workman said to do his own work. He would join duty when he desired. After lunch he joined duty at 8.45 p.m. instead of 8.30 p.m. He replied to the supervisor that he would do like this. The second charge is that at 5.15 p.m. he told the supervisor that his press was out of order. He left the work and returned at 6.00 p.m. and started talking on the press of another person. The third charge is that at 9.05 p.m. when the power was off he was asked to switch off the press. But he replied that press would be switched off by the supervisor. The fourth charge is that at 9.45 p.m. when the power came, the workman returned at 10.30 p.m. and left the press in a working condition and started roaming here and there. Fifth charge is that at 12.20 a.m. he misbehaved with the supervisor. Similarly the sixth charge is that at 12.45 a.m. when the duty was off he started beating the supervisor when he came out of the factory. Shri Hari Parshad, Choudhary, Suresh and Mahesh, Workmen, rescued him. The workman had said if complaint was against him, he would not spare the Supervisor. There is no evidence that before 27th January, 1983, the workman used to behave in that fashion. It is true that the workman had filed a claim before the Authority under Minimum Wages Act. I, therefore, deem that the workman has been victimised and the punishment of dismissal is very harsh. I, therefore, I give the benefit of Section 11-A to the workman. He is, therefore, entitled to reinstatement with full back wages and continuity of service. Stoppage of three increments will be adequate punishment for his misconduct. It is hoped that after receiving this punishment the workman will not mis-behave in future.

Award is given accordingly.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

Dated 28th March, 1985.

Endst. No. 1184, dated 2nd May, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under Section 15 of the Industrial Disputes Act.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

The 27th April, 1985

No. 9/5/84-Lab/2067.—In pursuance of the provisions of Section 17 of Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Faridabad in respect of the dispute between the workmen and the management of M/s. Keelays India Pvt. Ltd., 24-B/6, Industrial Area (Near Power House), Faridabad :—

BEFORE SHRI R. N. BATRA PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA FARIDABAD

Reference No. 287/1983

Between

SHRI JAI PAL SHARMA, WORKMAN AND THE MANAGEMENT OF M/S KEELAYS INDIA PVT. LTD.,
24-B/6, INDUSTRIAL AREA (NEAR POWER HOUSE), FARIDABAD

Present.—Shri Manohar Lal for the workman.

Shri H.R. Dua for the management.

AWARD

In exercise of powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 the Governor of Haryana referred the following dispute between Shri Jai Pal Sharma, Workman and the management of M/s Keelays India Pvt. Ltd., 24-B/6, Industrial Area (Near Power House), Faridabad, to this Tribunal for adjudication :—

Whether the termination of service of Shri Jai Pal Sharma was justified and in order? If not, to what relief is he entitled?

2. Notices were issued to both the parties. The claimant in his claim statement dated 2nd June, 1984 alleged that he was employed as Fabrication Fitter on 6th April, 1974 in the respondent factory and the last pay drawn by him was Rs. 540 per month. He further alleged that his work and conduct was quite satisfactory, but his services were terminated illegally. It was, therefore, prayed that he be reinstated with full back wages.

3. The respondent in his written statement dated 3rd July, 1984 pleaded that no industrial dispute existed between the parties and that the respondent management was insisting before the authorities that claimant was absenting from his duties and he advised to report for duty. It was then pleaded that the claimant was gainfully employed and that the respondent was a shop under the Shop and Commercial Establishment Act. It was then pleaded that the respondent never terminated the services of the claimant.

4. The claimant in his rejoinder filed on 20th September, 1984 reiterated the pleas taken in the claim statement and averred that he approached the management on 13th September, 1984, but they refused to take him back.

5. On the pleadings of the parties, the following issues were framed on 20th September, 1984 :—

- (1) Whether no industrial dispute exists between the parties as pleaded? OPM
- (2) Whether the claimant absented himself from his duty as pleaded? OPM
- (3) Whether the claimant is gainfully employed? OPM
- (4) Whether the provisions of the Industrial Disputes Act do not apply as pleaded? OPM
- (5) Whether the termination of service of Shri Jai Pal Sharma was justified and in order? If not, to what relief is he entitled? OPM

6. It may be mentioned that management has examined one witness and the documents, Ex. M-1 to M-8 have been tendered into evidence, while the workman has appeared as WW-1 and documents, Ex. W-1 to Ex. W-3 have been tendered into evidence. I have gone through the entire evidence and heard the representatives of both the parties.

Issue No: 1 :

7. The management examined Shri Anand Sarup Anand, Director of the respondent company, as MW-1, who stated that the respondent company came into existence in 1979 and that Ex. M-1 was the photostatic copy of certificate of incorporation. He further stated that the respondent was registered under the Shop and Commercial Establishment Act,—vide certificate of registration Ex. M-2 and form F, Ex. M-3. He then stated that the claimant joined service in the respondent factory in February, 1980, but he absented himself since 7th December, 1982 and that two letters were written to him to join duty, the copies of which were Ex. M-4 and M-5. He further stated that they sent comments in the conciliation proceedings copy Ex. M-6 and that Ex. M-7 was the report of the conciliation officer and Ex. M-8 was the covering letter. He then stated that they never terminated the service of the claimant but he absented himself from duty. Shri Jai Pal Sharma claimant (WW-1) stated that he was employed in the respondent factory in 1974 when it was styled as Keelays Engineering Works and that in 1982, the board bearing the name of Keelays India Pvt. Ltd. was displayed when they came to know regarding the change of the name of the factory. He further stated that he was getting Rs. 540 per month as wages when his services were terminated and was also turned out on 7th December, 1982 without payment of compensation. He then stated that no amount was sent to him by money order nor any registered letter was received by him. He then stated that he was unemployed and that his increment for one year was not being paid and when he demanded the same, he was deprived of the job by the Management. Ex. W-1 and W-2 are the registered letters, which were received back as undelivered on the ground that the claimant was not available. Ex. W-3 is the certificate dated 11th December, 1979 issued by the Keelays Engineering Works, in which it is recited that the claimant left the job of that company on 7th December, 1979.

8. A perusal of the above evidence would show that according to the testimony of MW-1 Shri Anand Sarup Anand, the claimant absented himself from duty with effect from 7th December, 1982 and that letters

copies Ex. M-4 and M-5 were written to him to join duty. His testimony further shows that the services of the claimant were never terminated but they asked him to join duty, —vide letters dated 17th December, 1982 and 22nd December, 1982 Ex. M-4 and M-5 respectively. The testimony of WW-1 Shri Jai Pal Sharma that his services were terminated on 7th December, 1982 cannot be accepted because on that date he was on the roll of the respondent management in as much as he was asked to join duty on 17th December, 1982 and 22nd December, 1982 as mentioned in the letters Ex. M-4 and M-5. Moreover, the claimant in his cross-examination stated that the address given on the letters Ex. W-1 and W-2 was correct. These letters which were sent under postal certificate and registered A.D. were received back as undelivered on the ground that the claimant was not available. These documents show that the Postman went to the house of the claimant many times. The claimant, therefore, avoided to receive these letters in which he was asked to join duty. Further, Ex. M-6, M-7 and M-8 are the documents dated 6th February, 1983, 28th February, 1983 and 28th February, 1983, respectively relating to conciliation proceedings in which the respondent took the plea that the services of the claimant were never terminated and he absented himself from duty and was directed to report for duty. These proceedings also show that even on 28th February, 1983 the services of the claimant were never terminated when the conciliation proceedings started after the demand notice. It is thus apparent that the claimant was on the roll of the respondent when the demand notice was given by him. Besides, in the written statement dated 3rd July, 1984, the respondent took the plea that the claimant was still on the roll of the respondent and his services were not terminated. In the rejoinder filed on 20th September, 1984, the claimant averred that he approached the management on 13th September, 1984, but they refused to take him on duty. In the witness box, while appearing as WW-1, he stated that he did not go to join duty after the conciliation proceedings. He further stated that he did not go to join duty after receiving the copy of the written statement and that he was never told by his representative or conciliation officer to join duty. Consequently, the plea taken by the claimant in his rejoinder to the effect that he approached the management on 13th September, 1984, but they refused to take him back is not correct because in the witness box he clearly stated that he did not go to the respondent management to join duty even after receiving the copy of the written statement on 3rd July, 1984. Under all these circumstances, it is apparent that the claimant was on the rolls of the respondent when the demand notice was given and his name has not been struck off from the roll so far and that he has been repeatedly asked by the management to join duty but to no effect. Under all the circumstances, the claimant was in service of the respondent when the demand notice was given by him. As such, the present reference made by the Government is premature because the services of the claimant were not terminated when the demand notice was given. In view of this situation, it is not necessary to discuss other issues. Suffice it to say that the present reference is premature because no dispute existed when the demand notice was given and as such the claimant is not entitled to any relief. The award is passed accordingly.

Dated the 4th April, 1985.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 290, dated the 6th April, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 7th June, 1985

No. 9/5/84-6Lab./4825.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of the Haryana Land Reclamation and Development Corporation Ltd., Sector-17, Chandigarh :—

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 114/1984

between

SHRI SHYAM BIHARI, WORKMAN AND THE MANAGEMENT OF THE HARYANA
LAND RECLAMATION AND DEVELOPMENT CORPORATION LTD.,
SECTOR 17, CHANDIGARH

Present :—

Shri M. K. Jain, for the management.
None, for the workman.

AWARD

In exercise of powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Shri Shyam Bihari workman and the management of The Haryana Land Reclamation and Development Corporation Ltd., Sector 17, Chandigarh, to this Tribunal for adjudication :—

Whether the termination of services of Shri Shyam Bihari was justified and in order ? If not, to what relief is he entitled ?

2. Notices were issued to both the parties. It may be mentioned that on the last date of hearing, none was present on behalf of the workman and as such *ex parte* proceedings were ordered against the claimant. Shri M. K. Jain, authorised representative of the management, stated that the dispute between the parties had already been settled and that the workman had been reinstated,—*vide* order Ex. M-1 and the application of the claimant in that respect was Ex. M-2. He further stated that no dispute between the parties was now left. In view of the testimony of Shri M. K. Jain, Representative of the Management and recitals made in the document Ex. M-1 and M-2, the dispute between the parties stands settled. The award is passed accordingly.

Dated 14th May, 1985,

R. N. BATRA,

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 420, dated the 15th May, 1985.

Forwarded (four copies) to the Commissioner & Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

No. 9/5/84-6Lab/4826.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Sarna Engineering Works, Talab Road, Faridabad :—

**BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD**

Reference No. 72 of 1984

between

**SHRI RAM SEWAK, WORKMAN AND THE MANAGEMENT OF M/S SARNA ENGINEERING
WORKS, TALAB ROAD, FARIDABAD**

Present.—

Shri S. S. Ropra, for the management.

Shri Amar Singh Sharma, for the workman.

AWARD

1. In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute, between Shri Ram Sewak,

workman and the management of M/s Sarna Engineering Works, Talab Road, Faridabad, to this Tribunal for adjudication:—

Whether the termination of service of Shri Ram Sewak was justified and in order? If not, to what relief is he entitled?

2. Notices were issued to both the parties. Shri S. S. Ropra, representative of the management stated that the dispute between the workman and the management had already been settled,—*vide* Settlement Ex. M-1 and that the workman had already received Rs. 1,600 in full and final settlement of his claim,—*vide* receipt Ex. M-2 and had relinquished his right of reinstatement etc. and that no dispute was now left between the parties. Shri Amar Singh Sharma, representative of the workman, stated that he had heard the above statement made by the representative of the management, which was correct and that the dispute between the parties stood settled as mentioned above. In view of the testimony of Shri S. S. Ropra, representative of the management and Shri Amar Singh Sharma, representative of the workman and recitals made in the documents Ex. M-1 and M-2, the dispute between the parties stands settled. The award is passed accordingly.

R. N. BATRA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated the 14th May, 1985.

Endorsement No. 421, dated the 15th May, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9/5/84-6Lab/4830.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Imperial Carbon and Ceramics, Plot No. 175, Sector 24, Faridabad:—

BEFORE SHRI R.N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 30/1984

between

SHRI RAM BARAN, WORKMAN AND THE MANAGEMENT OF M/S IMPERIAL CARBON
AND CERAMICS, PLOT NO. 175, SECTOR 24, FARIDABAD

Present.—

Shri Jagir Singh with Shri V. K. Vijay, Manager of respondent for the management,
None for the workman.

AWARD

In exercise of powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Shri Ram Baran, workman and the management of M/s Imperial Carbon and Ceramics, Plot No. 175, Sector 24, Faridabad, to this Tribunal, for adjudication:—

Whether the termination of service of Shri Ram Baran was justified and in order? If not, to what relief is he entitled?

2. Notices were issued to both the parties. It may be mentioned that none was present on behalf of the workman, even though he was represented previously and as such *ex parte* proceedings were ordered against the workman. Shri V. K. Vijay, Manager of the respondent Company and Shri Jagir Singh, representative of the management stated that the claimant had already settled his accounts in full and final settlement of his claim,—*vide* letter Ex. M-1 and voucher Ex. M-2 and had received Rs. 1,074.00 on the basis of voucher Ex. M-2 and that the documents Ex. M-1 and

M-2 were correct and bore the signatures of the claimant and that no dispute was now left between the parties. In view of the testimony of Shri V. K. Vijay, Manager of the respondent Company and Shri Jagbir Singh, representative of the management, and recitals made in documents Ex. M-1 and M-2, the dispute between the parties stands settled, as mentioned above. The award is passed accordingly.

Dated, the 28th May, 1985.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 451, dated the 28th May, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9/5/84-6Lab/4831.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s. Goldie Hisses Farm (P) Ltd., Bega (Ganaur) Sonapat :—

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 146 of 1984

between

THE WORKMAN AND THE MANAGEMENT OF M/S GOLDIE HISSES FARM
(P) LTD., BEGA (GANAUR) SONEPAT

Present :—
None.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between The management of M/s Goldie Hisses Farm (P) Ltd., Bega (Ganaur), Sonapat and its workman, to this Tribunal, for adjudication :—

- (1) Whether the workmen are entitled to the bonus for the year 1982-83? If so, with what details?
- (2) Whether the workmen are entitled to get the shoes? If so, with what details?

2. Notices were issued to both the parties. It may be mentioned that none was present on behalf of both the parties, even though they were represented previously and as such *ex parte* proceedings were ordered against both the parties. It appears that both the parties are not interested in the reference. The award is passed accordingly.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated, the 28th May, 1985.

Endst. No. 453, dated 28th May, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.